REMARKS

This communication is responsive to the Office Action mailed November 29, 2005.

In the Office Action, the Examiner rejects the claims as being obvious over Azgury (previously cited) in view of Acker (newly cited). Applicant respectfully traverses the rejection.

With respect to Azagury, the Examiner relies on this reference for its alleged disclosure of all the elements of claim 1, with the exception of an external program creating the isolated execution unit. Thus, for example, the Examiner contends that the Java Virtual Machine (JVM) disclosed by Azagury corresponds to the "isolated execution unit." Specifically, at the bottom of page 2 of the Office Action, the Examiner states:

> Azagury teaches the invention substantially as claimed including computer implement for controlling or monitoring a target software component [target thread supply object 42, Fig. 2; col. 6, lines 1-16] of an isolated execution unit [target machine 40 comprise Java Virtual Machines, Fig. 2; col. 5, lines 55-60] ...

Also, at the middle of page 3 of the Office Action, the Examiner states:

> [I]t is noted that the Java Virtual Machines correspond to the isolated execution unit and would be initialized before communication from the source machine."

Also, at the bottom of page 3 of the Office Action, the Examiner states:

> Azagury teaches isolated execution unit [Java virtual machine at the target machine], but does not specifically teach an external program creating a new isolated execution unit and the external program is outside of the isolated execution unit.

Clearly, the Examiner considers the Java Virtual Machine disclosed by Azagury to be the "isolated execution unit."

Turning now to Acker, the Examiner contends that Acker discloses the elements of claim 1 that are missing from the Azagury disclosure. With respect to Acker, though, in contrast to the discussion with respect to Azagury, the Examiner appears to contend that the "isolated execution unit" is an EJB container." For example, the Examiner cites to

> [Remote interface 118 provides access, by client 120, to business methods with EJBean 104. Home interface 116 identifies EJBean 104 class and is utilized to create, find and remove EJBean 104 instances; col. 4, line 58 – col. 5, line 9]

The Examiner then contends that it would have been obvious to a person of ordinary skill in the art to apply the teaching of an external program creating a new isolated execution unit "as taught by Acker to the invention of Azagury." Applicant respectfully disagrees.

Perhaps most significantly, the "isolated execution unit" cited by the Examiner as being allegedly present within the Azagury system is a Java Virtual Machine. With respect to Acker, however, the "isolated execution unit" alleged to be disclosed by this reference is an EJB container. The disclosure of creating an EJB container does not suggest, and is certainly not analogous, to creating a Java Virtual Machine. The Examiner's allegation that it would be obvious to create a Java Virtual Machine by an external program is certainly not supported by the disclosure of Azagury itself, nor is it supported by the disclosure of Acker.

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The Examiner contends that col. 5, lines 1-7 of Acker provides the motivation for making the proposed combination of Azagury and Acker. It is unclear, though, how a disclosure by Acker of an EJB container acting as a filter suggests creating a Java Virtual Machine by an external program. The Examiner seems to be contending that an EJB container and a Java Virtual Machine are somehow equivalent to each other, or that it would be obvious to treat or process a Java Virtual Machine in a manner similar to the manner in which an EJB container is treated or processed.

If this is what the Examiner is contending, even though it is not explicitly stated, then the Examiner does not provide support for such a contention. Furthermore, as best understood by the undersigned, it is not apparent that such support exists to be found.

In the interest of further prosecution, Applicant surmises that, perhaps, the Examiner considers the existence of the Java Virtual Machine in the Azagury disclosure to somehow suggest providing an EJB container in the Azagury system, and treating or processing that supposedly-suggested EJB container in a manner similar to the manner in which the EJB container is treated or processed in Acker. If this is in fact the Examiner's position, Applicant respectfully requests the Examiner to confirm that this is.

Furthermore, if this is a correct characterization of the Examiner's position, then Applicant respectfully submits that it is both unsupported and improper in any event. That is, it would take an unsupported logical leap to consider modifying the Azagury disclosure of a JVM to also (or instead?) include an EJB container. Thus, if this is in fact the Examiner's position, Applicant respectfully requests the Examiner to provide support (i.e., suggestion in the cited references or knowledge held by one of ordinary skill in the art) for such a modification. The office action does not currently provide such motivation.

Based on the above, Applicant respectfully submits that the rejection over Azagury and Acker is improper with respect to claim 1.

Given the similarity of the other independent claims to claim 1 (at least with regard to Applicant's arguments set forth above), it is respectfully submitted that the rejection of the other independent claims is also improper. Furthermore, it is respectfully submitted that the rejection of the dependent claims is improper for at least the reasons set forth with respect to the independent claims.

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CONCLUSION

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below. For example, if the Examiner has suggested claim amendments that are considered to put the claims in condition for allowance, Applicant respectfully requests the Examiner to contact the undersigned.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

Alan S. Hodes
Reg. No. 38,185

P.O. Box 70250
Oakland, CA 94612-0250
(650) 961-8300

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